

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, James Loomis, being duly sworn, state as follows:

Agent Background and Purpose of Affidavit

1. I am a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and I have been since September 2023. In my capacity as a TFO, I am familiar with the federal laws relating to the acquisition, possession, storage, and transfer of firearms as well as those relating to the possession, distribution, possession with the intent to distribute, and conspiracy to distribute controlled substances. I have been trained in the investigation of violations of those laws, and I have participated in many such investigations. I have applied for and/or participated in the execution of search warrants related to those investigations, including searches of residences, vehicles, and electronic devices. I have participated in all phases of investigations of those violations, including interviews with firearm purchasers who traded firearms for controlled substances and with users and distributors of controlled substances. As a result of my participation in these investigations, I am also familiar with the techniques employed by distributors and users of controlled substances and their means of acquiring, transporting, storing, concealing, preparing, and distributing controlled substances; their means of collecting, transporting, and transferring proceeds of controlled substances; and their means of acquiring, using, storing, and trafficking firearms in connection with controlled substance violations.

2. I am also a Border Patrol Agent Intelligence (BPA-I) with the United States Border Patrol (USBP), a component of the Department of Homeland Security (DHS). I have been employed as a Border Patrol Agent (BPA) since August 2011. I have been a BPA-I since May 2019. I am assigned to the USBP Swanton Sector, and my current duty station is Newport

Station in Newport, Vermont. I have received formal training to identify and investigate alien, narcotics, and firearm smuggling activities both at the United States Border Patrol Academy, which I attended in Artesia, New Mexico from August 2011 to January 2012, and through regular and recurring on-the-job training and course certifications.

2. This affidavit is offered to demonstrate that probable cause exists to believe that on or about February 2, 2025, in the District of Vermont, Yubert Yasiel Lopez-Lopez (“LOPEZ”), an alien previously ordered removed from the United States, was encountered by law enforcement in Burlington, VT. His presence in the United States being in violation of 8 U.S.C. § 1326.

3. The information contained in this affidavit is based on my training and experience, as well as my own investigation and information I received from other agents, law enforcement personnel, and witnesses. This affidavit is intended to show that there is probable cause to believe that LOPEZ committed the foregoing offense and does not set forth all facts I know regarding the investigation concerning this matter.

Probable Cause

4. LOPEZ is a native and citizen of Honduras. He is not a citizen of the United States and has no legal status allowing him to be present in the United States. I have reviewed DHS law enforcement and immigration databases, and I have reviewed, and I am in possession of LOPEZ’s Alien File. LOPEZ’s immigration and criminal history is summarized below:

- a. On May 25, 2014, LOPEZ entered the United States by illegally crossing the international border near Hidalgo, Texas. On July 14, 2014, LOPEZ was encountered and arrested by USBP and Homeland Security Investigations (HSI) agents near Mathis, TX and placed into removal proceedings. On November 18, 2014, LOPEZ was ordered removed by Immigration Judge Lisa Luis in Houston,

Texas. On December 8, 2014, LOPEZ was removed from the United States to Honduras. LOPEZ was prohibited from entering, attempting to enter, or being in the United States for 10 years as a result of the order by the Immigration Judge.

- b. On June 15, 2018, LOPEZ re-entered the United States by illegally crossing the international boundary near Hidalgo, Texas. On June 18, 2018, LOPEZ was encountered and arrested by USBP near McCook, Texas. LOPEZ was charged with 8 U.S.C. § 1325-illegal entry in the Southern District of Texas. LOPEZ pled guilty to the charge and was sentenced to time served on June 19, 2018, by United States Magistrate Judge J. Scott Hacker. LOPEZ was processed administratively and issued a Reinstatement of Prior Order of Removal and removed to Honduras on June 26, 2018. LOPEZ was prohibited from entering, attempting to enter, or being in the United States for 20 years as a result of that order.
- c. On February 18, 2022, LOPEZ was encountered by USBP after illegally crossing the international border near Yuma, Arizona. LOPEZ was expelled from the United States under 42 U.S.C. § 265¹.
- d. On February 20, 2022, LOPEZ was encountered by USBP after illegally crossing the international border near Yuma, Arizona. LOPEZ was expelled from the United States under 42 U.S.C. § 265.
- e. Based on my review of LOPEZ's records, he has not obtained the express consent of the Attorney General or Secretary of Homeland Security² for reentry to the

¹ 42 U.S.C. § 265—suspension of entries and imports from designated places to prevent spread of communicable diseases—was implemented during the COVID-19 pandemic. This was the primary mechanism used to remove aliens who recently made illegally entries into the United States during the COVID-19 pandemic.

² Although 8 U.S.C. § 1326 speaks of consent or permission of the Attorney General that role

United States.

5. On June 4, 2023, LOPEZ was issued a Vermont driver learner's permit. LOPEZ lists his mailing and physical address as a residence in Burlington, Vermont.

6. On July 9, 2023, LOPEZ was issued a citation for No Seat Belt by law enforcement in Rhode Island.

7. On September 3, 2023, LOPEZ was issued a citation for Driving with Expired or Without License by law enforcement in Rhode Island.

8. On October 18, 2024, LOPEZ obtained a driver's license in Massachusetts and listed his address as a residence in Worcester, Massachusetts.

9. On February 2, 2025, LOPEZ went to the Burlington, Vermont Police Department (BPD), identified himself as Yubert Lopez with a date of birth: 07/20/1993 and reported that his vehicle (registered in South Carolina with license plate 813ACL) had been stolen in Burlington, Vermont. Registration checks on the vehicle reveal the registered owner as Yubert Yasiel Lopez-Lopez of Elgin, South Carolina. The vehicle was subsequently recovered and returned to LOPEZ on February 3, 2025. This report was captured via BPD body worn camera and I have since obtained and reviewed the footage. The body worn camera clearly captures LOPEZ' face which I believe to be consistent to photographs I have reviewed of LOPEZ during previous law enforcement encounters.

10. On May 19, 2025, I contacted a Previous Employer ("PE") of LOPEZ via telephone. PE owns a Vermont based construction company. PE stated that LOPEZ worked for him for short period of time in the beginning of 2025. PE stated that he recently terminated LOPEZ's employment because he had stolen many tools from PE.

was transferred to the Secretary of Homeland Security on March 1, 2003. See *Elgharib v. Napolitano*, 600 F.3d 597, 607 (6th Cir. 2010).

11. LOPEZ is currently wanted by law enforcement in Honduras for Weapons Trafficking and the subject of an International Criminal Police Organization (INTERPOL) Red Notice.

Conclusion and Request

12. Based on the foregoing, I believe that there is probable cause to believe that on or about February 2, 2025, in the District of Vermont, Yubert Yasiel Lopez-Lopez violated 8 U.S.C. § 1326 by being an alien who was found in the United States after being previously ordered removed. Based on the information above I respectfully request the issuance of a criminal complaint charging LOPEZ accordingly and an arrest warrant pursuant to that complaint.

Dated at Burlington, in the District of Vermont, this 30th day of May 2025.

/s/ James Loomis
JAMES LOOMIS
Task Force Officer, ATF

Subscribed and sworn to in accordance with the requirements of Fed. R. Crim. P. 4.1 on this 30th day of May 2025.

Kevin J. Doyle
HONORABLE KEVIN J. DOYLE
United States Magistrate Judge
District of Vermont